

To: Cohen, Adam[Adam.Cohen@dgslaw.com]
From: Minor, Dustin
Sent: Wed 1/31/2018 5:32:02 PM
Subject: RE: ACMS Past Costs AOC - 1951 Contract

Adam,

Thank you. I have DOJ's language now and just need headquarters review which I expect promptly, then I will forward it. DOJ is available to discuss it with you after you review it.

Thanks

Dusty

Dustin Minor

Assistant Regional Counsel

(415) 972-3888

From: Cohen, Adam [mailto:Adam.Cohen@dgslaw.com]
Sent: Wednesday, January 31, 2018 9:10 AM
To: Minor, Dustin <Minor.Dustin@epa.gov>
Cc: Cohen, Adam <Adam.Cohen@dgslaw.com>
Subject: ACMS Past Costs AOC - 1951 Contract

Confidential Settlement Communication. FRE 408 Protected.

Dusty – I'm forwarding a copy of the 1951 contract entered into between the United States and Anaconda Copper Mining Company, which I referenced on yesterday's call. After considering this further and discussing it with Atlantic Richfield, I think the third option we discussed on the call has the best prospects for success. I look forward to seeing EPA/DOJ's next draft of the AOC, including the revisions we discussed (i) concerning the scope of ARC's reserved contribution claims under § 113(f) (to include claims to recover costs incurred in performing all

Work under the UAOs) and (ii) listing or leaving blanks for the additional US departments and agencies that would be subject to suit.

Adam S. Cohen ■ **Partner**

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